



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Stanley Koziatek

Docket No. 438 P 944

Filed: 1/22/2002

Art Unit: 1733

Serial No.: 10/055,198

Examiner: Justin R. Fischer

For: Tubeless tire compound and a system and method for retrofitting non-tubeless tires Confirmation No.: 5073

**DECLARATION UNDER 37 C.F.R. 1.132**

I, Stanley Koziatek, declare as follows:

1. I am the sole inventor of the invention described and claimed in the above-identified application, and as such have first hand knowledge concerning the invention's conception and reduction to practice.

2. It is my understanding that some of the claims pending in the application have been rejected as the Examiner contends that it would have been obvious to combine the sealant described in my application with the tubeless system I developed for retrofitting a non-tubeless tire to operate without tubes.

3. Conventional tire sealants are directed to temporarily fixing punctures and increasing the effectiveness of the seal between a tubeless rim and tubeless tire at the tire bead. Unlike typical tubeless tires, however, conventional non-tubeless tires are extremely porous and have very leaky sidewalls and treads. While conventional sealants might improve the bead seal of a tire and rim or repair a single puncture, they are incapable of sufficiently sealing the porous,

non-tubeless tires and maintaining inflation pressure in the absence of tubes. I thus developed the sealant of the present invention to overcome the disadvantages inherent in both non-tubeless tires and conventional sealants.

4. As will be further demonstrated in **Exhibits A-E**, the present invention has achieved extremely unexpected results and has met with considerable commercial success, critical acclaim, industry export endorsement, and competitor copying.

5. Attached as **Exhibit A** are two photographs of a demonstration wheel retrofitted according to the present invention. As seen in the first photograph, the present invention helped maintain tire inflation pressure in the wheel despite a large volume of screws embedded in the tire. The second photograph in **Exhibit A** is a cutaway, further depicting the severity of damage caused to the tire seen in the first photograph that the present invention was able to withstand.

6. Because of the unexpected sealing results, my invention has achieved considerable praise from industry publications and mountain biking professionals. Attached as **Exhibit B** are two articles from a leading trade magazine demonstrating that my invention was an innovation that was previously lacking from the industry and fulfilled a long-felt need. In the first article, the magazine ranks my tubeless system and sealant as the second best innovation in the sport of mountain biking in the last millennium. *See Exhibit B, page 2.* In an earlier article about my invention for converting any tube and rim to run tubeless, the same magazine stated that it was “[t]he best kept secret in the cross-country racing game” and that my invention “is exactly what was missing from the tubeless tire market.” *See Exhibit B, page 4.* In fact, the magazine reported that as a result of the striking success of my invention “the buzz from every major bike brand is that they are ‘working’ on a ‘special’ tubeless tire sealant” of their own. *See*

**Exhibit B**, page 4. Thus, competitors have found the present invention so innovative that they have begun copying it.

7. In addition to specific recognition of the innovative nature of the present invention, industry commentators, such as Hall of Famer Richard R.C. Cunningham, repeatedly recommend the use of my tubeless system and sealant in response to reader questions about tubeless systems. *See, generally, Exhibit C*. Indeed, Mr. Cunningham has stated about the sealant of the present invention that “[t]he stuff is amazing.” *Id.* at page 2.

8. Industry racing professionals have also quickly adopted my tubeless system and sealant for use in competitions, where they depend heavily on maintaining tire pressure for winning performances. *See Exhibit D*. For example, three-time cross-country racing champion Tinker Juarez depends on my sealant. *See Exhibit D*, pages 1-3. Additionally, my sealant is frequently included in manufacturer test bicycles evaluated by industry publications. *See Exhibit D*, pages 4-6.

9. At least one racing professional, World Champion Alison Dunlap, has attributed a portion of her racing success to the effectiveness of the present invention in rapidly sealing tire sidewall leaks that occur during a race. *See Exhibit E*, page 2.

10. Attached as **Exhibit F** are two separate sequences of still shots taken from a video available on my internet website <[www.notubes.com](http://www.notubes.com)> that I produced to demonstrate the unique characteristics of the present invention. Although the video itself presents the most startling evidence of the unexpected results of the present invention, the sequence of stills is nevertheless revealing about my tubeless system. The first three pictures depict a test where I ride a bicycle retrofitted according to the present invention over a “Path of Death” of nineteen nails that protrude upwardly from a board. *See Exhibit F*, pages 1-3. As seen in the fourth shot, the

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sealant of the present invention has immediately filled the holes created by the nails and has instantly sealed the tubeless tire from loss of tire pressure. *See Exhibit F*, page 4. The next three shots are from a test I performed where I drove an ice pick entirely through the sidewalls of a tire. *See Exhibit F*, pages 5-7. The last shot is taken after the removal of the pick and, even at this point where the pick has barely been removed from the nearest sidewall, the sealant has already filled in the holes formed by the pick to seal the tubeless tires. *See Exhibit F*, pages 8. During the remaining portions of the video, I repeatedly stab the tire with the ice pick without a loss of tire pressure. While I am certainly aware of convention tire sealing compounds, such as those used for emergency inflation and sealing of automobile tires, I am unaware of any product that performs as well as the composition I developed.

11. As the attached evidence indicates, the claimed sealant and tubeless system produced unexpected results and fulfilled a long-felt need in the industry and was certainly not obvious, as I understand that term, to anyone of skill in the tire industry and, in particular, the mountain bike racing industry. My invention has met with both commercial success and rave reviews in the industry, and I continue to receive a significant amount of praise and positive feedback from professionals and lay customers alike.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: March 17, 2004

By:   
Stanley Koziatsek